

REMARKS

The foregoing amendment amends claim 1. Claim 1 is amended to recite that “said coolant flow field is in contact with said first and second metal plates.” Support for the amendment can be found throughout the instant application, for example, in Figure 2. No new matter is added.

Now pending in the application are claims 1-3, 5 and 6, of which claim 1 is independent.

I. Claim Rejection under 35 U.S.C. §103(a)

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication No. 2003/0064266 (hereafter “Ogami”). Applicants respectfully traverse the rejection in view of the amended claim.

A. Claim 1

Applicants respectfully submit that the Ogami reference does not teach or suggest the limitation that “said coolant flow field is in contact with said first and second metal plates,” as recited in amended claim 1.

In the Office Action, the Examiner recognizes that the above feature “would distinguish over the structure of Ogami.” Please see the Office Action page 10.

The Ogami reference teaches a fuel cell stack (10) that includes a plurality of fuel cell units (7). See the Ogami reference, FIG. 2. In the Ogami reference, the fuel cell unit (7) has a membrane electrode assembly (3) and reactant gas supply separators (5) for supplying fuel gas and oxidant gas to the gas diffusion electrodes (2a, 2b). See the Ogami reference, FIG. 1.

In contrast, amended claim 1 requires that the coolant flow field is in contact with the first and second metal plates. For example, as shown in FIG. 2 of the present application, each of the metal separators (13) may include first and second plates (14, 16) stacked together to form a coolant flow field (42) therebetween. The coolant flow field (42) may be in contact with the first and second metal plates (14, 16).

The Ogami reference does not teach or suggest the feature recited in amended claim 1. There is no disclosure in the Ogami reference of a separator including first and second metal

plates stacked together to form a coolant flow field that is in contact with the first and second metal plates.

For at least the reasons set forth above, Applicants respectfully submit that the Ogami reference fails to teach or suggest all of the limitation of amended claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1.

B. Claims 2, 3, 5 and 6

Claims 2, 3, 5 and 6 depend from amended claim 1 and, as such, incorporate the subject matter recited in amended claim 1. For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that the Ogami reference fails to teach or suggest all of the limitation of claims 2, 3, 5 and 6. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2, 3, 5 and 6.

II. Conclusion

In view of the above comments, Applicants believe that the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicant's attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. TOW-051RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

Electronic signature: /Anthony A. Laurentano/
Anthony A. Laurentano
Registration No.: 38,220
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant